

105TH CONGRESS
1ST SESSION

H. R. 2982

To improve the quality of child care provided through Federal facilities and programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Mr. GILMAN introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the quality of child care provided through Federal facilities and programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Quality Child Care
5 for Federal Employees Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ACCREDITED CHILD CARE CENTER.—The
9 term “accredited child care center” means—

1 (A) a center that is accredited, by a child
2 care credentialing or accreditation entity recog-
3 nized by a State, to provide child care to chil-
4 dren in the State (except children who a tribal
5 organization elects to serve through a center de-
6 scribed in subparagraph (B));

7 (B) a center that is accredited, by a child
8 care credentialing or accreditation entity recog-
9 nized by a tribal organization, to provide child
10 care for children served by the tribal organiza-
11 tion;

12 (C) a center that is used as a Head Start
13 center under the Head Start Act (42 U.S.C.
14 9831 et seq.) and is in compliance with any ap-
15 plicable performance standards established by
16 regulation under such Act for Head Start pro-
17 grams; or

18 (D) a military child development center (as
19 defined in section 1798(1) of title 10, United
20 States Code).

21 (2) CHILD CARE CREDENTIALING OR ACCREDI-
22 TATION ENTITY.—The term “child care credentialing
23 or accreditation entity” means a nonprofit private
24 organization or public agency that—

1 (A) is recognized by a State agency or trib-
2 al organization; and

3 (B) accredits a center or credentials an in-
4 dividual to provide child care on the basis of—

5 (i) an accreditation or credentialing
6 instrument based on peer-validated re-
7 search;

8 (ii) compliance with applicable State
9 and local licensing requirements, or stand-
10 ards described in section 658E(c)(2)(E)(ii)
11 of the Child Care and Development Block
12 Grant Act (42 U.S.C. 9858c(c)(2)(E)(ii)),
13 as appropriate, for the center or individual;

14 (iii) outside monitoring of the center
15 or individual; and

16 (iv) criteria that provide assurances
17 of—

18 (I) compliance with age-appro-
19 priate health and safety standards at
20 the center or by the individual;

21 (II) use of age-appropriate devel-
22 opmental and educational activities, as
23 an integral part of the child care pro-
24 gram carried out at the center or by
25 the individual; and

1 (III) use of ongoing staff devel-
2 opment or training activities for the
3 staff of the center or the individual,
4 including related skills-based testing.

5 (3) CREDENTIALED CHILD CARE PROFES-
6 SIONAL.—The term “credentialed child care profes-
7 sional” means—

8 (A) an individual who is credentialed, by a
9 child care credentialing or accreditation entity
10 recognized by a State, to provide child care to
11 children in the State (except children who a
12 tribal organization elects to serve through an
13 individual described in subparagraph (B)); or

14 (B) an individual who is credentialed, by a
15 child care credentialing or accreditation entity
16 recognized by a tribal organization, to provide
17 child care for children served by the tribal orga-
18 nization.

19 (4) STATE.—The term “State” has the mean-
20 ing given the term in section 658P of the Child Care
21 and Development Block Grant Act (42 U.S.C.
22 9858n).

23 **SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FA-**
24 **CILITIES.**

25 (a) DEFINITION.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of General Serv-
3 ices.

4 (2) ENTITY SPONSORING A CHILD CARE CEN-
5 TER.—The term “entity sponsoring a child care cen-
6 ter” means a Federal agency that operates, or an
7 entity that enters into a contract or licensing agree-
8 ment with a Federal agency to operate, a child care
9 center.

10 (3) EXECUTIVE AGENCY.—The term “Executive
11 agency” has the meaning given the term in section
12 105 of title 5, United States Code, except that the
13 term—

14 (A) does not include the Department of
15 Defense; and

16 (B) includes the General Services Adminis-
17 tration, with respect to the administration of a
18 facility described in paragraph (4)(B).

19 (4) EXECUTIVE FACILITY.—The term “execu-
20 tive facility”—

21 (A) means a facility that is owned or
22 leased by an Executive agency; and

23 (B) includes a facility that is owned or
24 leased by the General Services Administration
25 on behalf of a judicial office.

1 (5) FEDERAL AGENCY.—The term “Federal
2 agency” means an Executive agency, a judicial of-
3 fice, or a legislative office.

4 (6) JUDICIAL FACILITY.—The term “judicial fa-
5 cility” means a facility that is owned or leased by a
6 judicial office (other than a facility that is also a fa-
7 cility described in paragraph (4)(B)).

8 (7) JUDICIAL OFFICE.—The term “judicial of-
9 fice” means an entity of the judicial branch of the
10 Federal Government.

11 (8) LEGISLATIVE FACILITY.—The term “legisla-
12 tive facility” means a facility that is owned or leased
13 by a legislative office.

14 (9) LEGISLATIVE OFFICE.—The term “legisla-
15 tive office” means an entity of the legislative branch
16 of the Federal Government.

17 (b) EXECUTIVE BRANCH STANDARDS AND COMPLI-
18 ANCE.—

19 (1) STATE AND LOCAL LICENSING REQUIRE-
20 MENTS.—

21 (A) IN GENERAL.—Any entity sponsoring
22 a child care center in an executive facility
23 shall—

24 (i) obtain the appropriate State and
25 local licenses for the center; and

1 (ii) in a location where the State or
2 locality does not license executive facilities,
3 comply with the appropriate State and
4 local licensing requirements related to the
5 provision of child care.

6 (B) COMPLIANCE.—Not later than 6
7 months after the date of enactment of this
8 Act—

9 (i) the entity shall comply, or make
10 substantial progress (as determined by the
11 Administrator) toward complying, with
12 subparagraph (A); and

13 (ii) any contract or licensing agree-
14 ment used by an Executive agency for the
15 operation of such a child care center shall
16 include a condition that the child care be
17 provided by an entity that complies with
18 the appropriate State and local licensing
19 requirements related to the provision of
20 child care.

21 (2) HEALTH, SAFETY, AND FACILITY STAND-
22 ARDS.—The Administrator shall by regulation estab-
23 lish standards relating to health, safety, facilities, fa-
24 cility design, and other aspects of child care that the
25 Administrator determines to be appropriate for child

1 care centers in executive facilities, and require child
2 care centers, and entities sponsoring child care cen-
3 ters, in executive facilities to comply with the stand-
4 ards.

5 (3) ACCREDITATION STANDARDS.—

6 (A) IN GENERAL.—The Administrator
7 shall issue regulations requiring, to the maxi-
8 mum extent possible, any entity sponsoring an
9 eligible child care center (as defined by the Ad-
10 ministrator) in an executive facility to comply
11 with child care center accreditation standards
12 issued by a nationally recognized accreditation
13 organization approved by the Administrator.

14 (B) COMPLIANCE.—The regulations shall
15 require that, not later than 5 years after the
16 date of enactment of this Act—

17 (i) the entity shall comply, or make
18 substantial progress (as determined by the
19 Administrator) toward complying, with the
20 standards; and

21 (ii) any contract or licensing agree-
22 ment used by an Executive agency for the
23 operation of such a child care center shall
24 include a condition that the child care be

1 provided by an entity that complies with
2 the standards.

3 (C) CONTENTS.—The standards shall base
4 accreditation on—

5 (i) an accreditation instrument de-
6 scribed in section 2(2)(B);

7 (ii) outside monitoring described in
8 section 2(2)(B), by—

9 (I) the Administrator; or

10 (II) a child care credentialing or
11 accreditation entity, or other entity,
12 with which the Administrator enters
13 into a contract to provide such mon-
14 itoring; and

15 (iii) the criteria described in section
16 2(2)(B).

17 (4) EVALUATION AND COMPLIANCE.—

18 (A) IN GENERAL.—The Administrator
19 shall evaluate the compliance, with the require-
20 ments of paragraph (1) and the regulations is-
21 sued pursuant to paragraphs (2) and (3), of
22 child care centers, and entities sponsoring child
23 care centers, in executive facilities. The Admin-
24 istrator may conduct the evaluation of such a
25 child care center or entity directly, or through

1 an agreement with another Federal agency or
2 private entity, other than the Federal agency
3 for which the child care center is providing
4 services. If the Administrator determines, on
5 the basis of such an evaluation, that the child
6 care center or entity is not in compliance with
7 the requirements, the Administrator shall notify
8 the Executive agency.

9 (B) EFFECT OF NONCOMPLIANCE.—On re-
10 ceipt of the notification of noncompliance issued
11 by the Administrator, the head of the Executive
12 agency shall—

13 (i) if the entity operating the child
14 care center is the agency—

15 (I) within 2 business days after
16 the date of receipt of the notification
17 correct any deficiencies that are deter-
18 mined by the Administrator to be life
19 threatening or to present a risk of se-
20 rious bodily harm;

21 (II) develop and provide to the
22 Administrator a plan to correct any
23 other deficiencies in the operation of
24 the center and bring the center and
25 entity into compliance with the re-

1 requirements not later than 4 months
2 after the date of receipt of the notifi-
3 cation;

4 (III) provide the parents of the
5 children receiving child care services
6 at the center with a notification de-
7 tailing the deficiencies described in
8 subclauses (I) and (II) and actions
9 that will be taken to correct the defi-
10 ciencies;

11 (IV) bring the center and entity
12 into compliance with the requirements
13 and certify to the Administrator that
14 the center and entity are in compli-
15 ance, based on an on-site evaluation
16 of the center conducted by an inde-
17 pendent entity with expertise in child
18 care health and safety; and

19 (V) in the event that deficiencies
20 determined by the Administrator to be
21 life threatening or to present a risk of
22 serious bodily harm cannot be cor-
23 rected within 2 business days after
24 the date of receipt of the notification,
25 close the center until such deficiencies

1 are corrected and notify the Adminis-
2 trator of such closure; and

3 (ii) if the entity operating the child
4 care center is a contractor or licensee of
5 the Executive agency—

6 (I) require the contractor or li-
7 censee within 2 business days after
8 the date of receipt of the notification,
9 to correct any deficiencies that are de-
10 termined by the Administrator to be
11 life threatening or to present a risk of
12 serious bodily harm:

13 (II) require the contractor or li-
14 censee to develop and provide to the
15 head of the agency a plan to correct
16 any other deficiencies in the operation
17 of the center and bring the center and
18 entity into compliance with the re-
19 quirements not later than 4 months
20 after the date of receipt of the notifi-
21 cation;

22 (III) require the contractor or li-
23 censee to provide the parents of the
24 children receiving child care services
25 at the center with a notification de-

1 tailing the deficiencies described in
2 subclauses (I) and (II) and actions
3 that will be taken to correct the defi-
4 ciencies;

5 (IV) require the contractor or li-
6 censee to bring the center and entity
7 into compliance with the requirements
8 and certify to the head of the agency
9 that the center and entity are in com-
10 pliance, based on an on-site evaluation
11 of the center conducted by an inde-
12 pendent entity with expertise in child
13 care health and safety; and

14 (V) in the event that deficiencies
15 determined by the Administrator to be
16 life threatening or to present a risk of
17 serious bodily harm cannot be cor-
18 rected within 2 business days after
19 the date of receipt of the notification,
20 close the center until such deficiencies
21 are corrected and notify the Adminis-
22 trator of such closure, which closure
23 shall be grounds for the immediate
24 termination or suspension of the con-

1 tract or license of the contractor or li-
2 censee.

3 (C) COST REIMBURSEMENT.—The Execu-
4 tive agency shall reimburse the Administrator
5 for the costs of carrying out subparagraph (A)
6 for child care centers located in an executive fa-
7 cility other than an executive facility of the
8 General Services Administration. If an entity is
9 sponsoring a child care center for 2 or more
10 Executive agencies, the Administrator shall allo-
11 cate the costs of providing such reimbursement
12 with respect to the entity among the agencies in
13 a fair and equitable manner, based on the ex-
14 tent to which each agency is eligible to place
15 children in the center.

16 (c) LEGISLATIVE BRANCH STANDARDS AND COMPLI-
17 ANCE.—

18 (1) STATE AND LOCAL LICENSING REQUIRE-
19 MENTS, HEALTH, SAFETY, AND FACILITY STAND-
20 ARDS, AND ACCREDITATION STANDARDS.—The Ar-
21 chitect of the Capitol shall issue regulations ap-
22 proved by the administrative officers of the House,
23 Senate, and all other Federal agencies, minus the
24 Department of Defense for child care centers, and
25 entities sponsoring child care centers, in legislative

1 facilities, which shall be no less stringent in content
2 and effect than the requirements of subsection
3 (b)(1) and the regulations issued by the Adminis-
4 trator under paragraphs (2) and (3) of subsection
5 (b), except to the extent that the Architect approved
6 by the administrative officers of the House, Senate,
7 and all other Federal agencies, minus the Depart-
8 ment of Defense may determine, for good cause
9 shown and stated together with the regulations, that
10 a modification of such regulations would be more ef-
11 fective for the implementation of the requirements
12 and standards described in paragraphs (1), (2), and
13 (3) of subsection (b) for child care centers, and enti-
14 ties sponsoring child care centers, in legislative fa-
15 cilities.

16 (2) EVALUATION AND COMPLIANCE.—

17 (A) ARCHITECT OF THE CAPITOL.—The
18 Architect of the Capitol shall have the same au-
19 thorities and duties with respect to the evalua-
20 tion of, compliance of, and cost reimbursement
21 for child care centers, and entities sponsoring
22 child care centers, in legislative facilities as the
23 Administrator has under subsection (b)(4) with
24 respect to the evaluation of, compliance of, and
25 cost reimbursement for such centers and enti-

1 ties sponsoring such centers, in executive facili-
2 ties.

3 (B) HEAD OF A LEGISLATIVE OFFICE.—

4 The head of a legislative office shall have the
5 same authorities and duties with respect to the
6 compliance of and cost reimbursement for child
7 care centers, and entities sponsoring child care
8 centers, in legislative facilities as the head of an
9 Executive agency has under subsection (b)(4)
10 with respect to the compliance of and cost reim-
11 bursement for such centers and entities spon-
12 soring such centers, in executive facilities.

13 (d) JUDICIAL BRANCH STANDARDS AND COMPLI-
14 ANCE.—

15 (1) STATE AND LOCAL LICENSING REQUIRE-
16 MENTS HEALTH, SAFETY, AND FACILITY STAND-
17 ARDS, AND ACCREDITATION STANDARDS.—The Di-
18 rector of the Administrative Office of the United
19 States Courts shall issue regulations for child care
20 centers, and entities sponsoring child care centers, in
21 judicial facilities, which shall be no less stringent in
22 content and effect than the requirements of sub-
23 section (b)(1) and the regulations issued by the Ad-
24 ministrator under paragraphs (2) and (3) of sub-
25 section (b), except to the extent that the Director

1 may determine, for good cause shown and stated to-
2 gether with the regulations, that a modification of
3 such regulations would be more effective for the im-
4 plementation of the requirements and standards de-
5 scribed in paragraphs (1), (2), and (3) of subsection
6 (b) for child care centers, and entities sponsoring
7 child care centers, in judicial facilities.

8 (2) EVALUATION AND COMPLIANCE.—

9 (A) DIRECTOR OF THE ADMINISTRATIVE
10 OFFICE OF THE UNITED STATES COURTS.—The
11 Director of the Administrative Office of the
12 United States Courts shall have the same au-
13 thorities and duties with respect to the evalua-
14 tion of, compliance of, and cost reimbursement
15 for child care centers, and entities sponsoring
16 child care centers, in judicial facilities as the
17 Administrator has under subsection (b)(4) with
18 respect to the evaluation of, compliance of, and
19 cost reimbursement for such centers and enti-
20 ties sponsoring such centers, in executive facili-
21 ties.

22 (B) HEAD OF A JUDICIAL OFFICE.—The
23 head of a judicial office shall have the same au-
24 thorities and duties with respect to the compli-
25 ance of and cost reimbursement for child care

1 centers, and entities sponsoring child care cen-
2 ters, in judicial facilities as the head of an Ex-
3 ecutive agency has under subsection (b)(4) with
4 respect to the compliance of and cost reim-
5 bursement for such centers and entities spon-
6 soring such centers, in executive facilities.

7 (e) APPLICATION.—Notwithstanding any other provi-
8 sion of this section, if 8 or more child care centers are
9 sponsored in facilities owned or leased by an Executive
10 agency, the Administrator shall delegate to the head of
11 the agency the evaluation and compliance responsibilities
12 assigned to the Administrator under subsection (b)(4)(A).

13 (f) TECHNICAL ASSISTANCE, STUDIES, AND RE-
14 VIEWS.—The Administrator may provide technical assist-
15 ance, and conduct and provide the results of studies and
16 reviews, for Executive agencies, and entities sponsoring
17 child care centers in executive facilities, on a reimbursable
18 basis, in order to assist the entities in complying with this
19 section. The Architect of the Capitol and the Director of
20 the Administrative Office of the United States Courts may
21 provide technical assistance, and conduct and provide the
22 results of studies and reviews, or request that the Admin-
23 istrator provide technical assistance, and conduct and pro-
24 vide the results of studies and reviews, for legislative of-
25 fices and judicial offices, respectively, and entities operat-

1 ing child care centers in legislative facilities and judicial
2 facilities, respectively, on a reimbursable basis, in order
3 to assist the entities in complying with this section.

4 (g) COUNCIL.—The Administrator shall establish an
5 interagency council, comprised of all Executive agencies
6 described in subsection (e), a representative of the Office
7 of Architect of the Capitol, and a representative of the
8 Administrative Office of the United States Courts, to fa-
9 cilitate cooperation and sharing of best practices, and to
10 develop and coordinate policy, regarding the provision of
11 child care in the Federal Government.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$900,000 for fiscal year 1998 and such sums as may be
15 necessary for each subsequent fiscal year.

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